

ALABAMA CRIMES CHART

Prepared by the clerks of the Stewart Immigration Court.

Offenses Involving Danger to the Person

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Ala. Code § 13A-6-20</p> <p>(a) A person commits the crime of assault in the first degree if:</p> <p>(1) With intent to cause serious physical injury to another person, he or she causes serious physical injury to any person by means of a deadly weapon or a dangerous instrument; or</p> <p>(2) With intent to disfigure another person seriously and permanently, or to destroy, amputate, or disable permanently a member or organ of the body of another person, he or she causes such an injury to any person; or</p> <p>(3) Under circumstances manifesting extreme indifference to the value of human life, he or she recklessly engages in conduct which creates a grave risk of death to another person, and thereby causes serious physical injury to any person; or</p> <p>(4) In the course of and in furtherance of the commission or attempted commission of arson in the first degree, burglary in the first or second degree, escape in the first degree, kidnapping in the first degree, rape in the first degree, robbery in any degree, sodomy in the first degree or any other felony clearly dangerous to human life, or of immediate flight therefrom, he or she causes a serious physical injury to another person; or</p> <p>(5) While driving under the influence of alcohol or a controlled substance or any combination thereof in violation of Section 32-5A-191 or 32-5A-191.3, he or she causes serious physical injury to the person of another with a vehicle or vessel.</p> <p>(b) Assault in the first degree is a Class B felony.</p>				
<p>CIMT</p> <p>212(a)(2)(A)(i)(I)</p> <p>237(a)(2)(A)(i)</p> <p>Aggravated Felony</p> <p>237(a)(2)(A)(iii)</p>	<p>Punishable by a term of imprisonment that is not more than 20 years or less than 2 years.</p>	<p>(b) (5)</p> <p>A conviction under (a)(5) is not an aggravated felony. See (b) (5)</p>	<p>(b) (5)</p> <p>(b) (5)</p>	

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Offenses Involving Danger to and Intrusion on Property

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Ala. Code § 13A-7-2 Criminal Trespass in the first degree (a) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a dwelling. (b) Criminal trespass in the first degree is a Class A misdemeanor.				
CIMT Aggravated Felony 237(a)(2)(A)(iii)	Punishable by a term of imprisonment that is not more than 1 year	(b) (5)	(b) (5)	

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Ala. Code § 13A-7-5 Burglary in the first Degree</p> <p>(a) A person commits the crime of burglary in the first degree if he or she knowingly and unlawfully enters or remains unlawfully in a dwelling with intent to commit a crime therein, and, if, in effecting entry or while in dwelling or in immediate flight therefrom, the person or another participant in the crime:</p> <p>(1) Is armed with explosives; or</p> <p>(2) Causes physical injury to any person who is not a participant in the crime; or</p> <p>(3) In effecting entry, is armed with a deadly weapon or dangerous instrument or, while in the dwelling or immediate flight from the dwelling, uses or threatens the immediate use of a deadly weapon or dangerous instrument against another person. The use of or threatened use of a deadly weapon or dangerous instrument does not include the mere acquisition of a deadly weapon or dangerous instrument during the burglary.</p> <p>(b) Burglary in the first degree is a Class A felony.</p>				
<p>CIMT 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)</p> <p>Aggravated Felony 237(a)(2)(A)(iii)</p>	<p>Punishable by a term of imprisonment that is not more life or 99 years or less than 10 years.</p>	<p>(b) (5)</p>		

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<p>Ala. Code § 13A-7-6 Burglary in the second degree</p> <p>(a) A person commits the crime of burglary in the second degree if he or she knowingly enters or remains unlawfully in a building with intent to commit theft or a felony therein and, if in effecting entry or while in the building or in immediate flight therefrom, the person or another participant in the crime:</p> <p>(1) Is armed with explosives; or</p> <p>(2) Causes physical injury to any person who is not a participant in the crime; or</p> <p>(3) In effecting entry, is armed with a deadly weapon or dangerous instrument or, while in the building or in immediate flight from the building, uses or threatens the immediate use of a deadly weapon or dangerous instrument against another person. The use of or threatened use of a deadly weapon or dangerous instrument does not include the mere acquisition of a deadly weapon or dangerous instrument during the burglary.</p> <p>(b) In the alternative to subsection (a) of this section, a person commits the crime of burglary in the second degree if he or she unlawfully enters a lawfully occupied dwelling-house with intent to commit a theft or a felony therein.</p> <p>(c) Burglary in the second degree is a Class B felony.</p>				
<p>CIMT 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)</p> <p>Aggravated Felony 237(a)(2)(A)(iii)</p>	<p>Punishable by a term of imprisonment that is not more than 20 years or less than 2 years.</p>	<p>If Convicted under (a):</p> <p>(b) (5)</p> <p>An Aggravated Felony under 101(A)(43)(F), falling under 18 U.S.C §16(b).</p> <p>If Convicted under (b):</p> <p>An Aggravated Felony under 101(A)(43)(G).</p> <p>The basic elements of burglary: (1) “an unlawful or unprivileged entry into, or remaining in,” (2) “a building or other structure,” (3) “with intent to commit a crime.” (b) (5)</p> <p>The Alabama statute is much narrower than the generic.</p> <p>An aggravated felony under 101(A)(43)(F) under current 11th circuit case law as a crime of violence under 18 U.S.C. §16(b).</p> <p>See (b) (5)</p>	<p>If Convicted under (a):</p> <p>Not categorically a CIMT, outcome depends on if the underlying felony is specified and whether it constitutes a CIMT. (b) (5)</p> <p>(b) (5)</p>	

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Ala. Code § 13A-7-7 Burglary in the third degree (a) A person commits the crime of burglary in the third degree if any of the following occur: (1) He or she knowingly enters or remains unlawfully in a dwelling with the intent to commit a crime therein; (2) He or she knowingly enters or remains unlawfully in an occupied building with the intent to commit a crime therein; or (3) He or she knowingly enters or remains unlawfully in an unoccupied building with the intent to commit a crime therein. (b) Burglary in the third degree is a Class C felony.				
CIMT 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i) Aggravated Felony 237(a)(2)(A)(iii)	Punishable by a term of imprisonment that is not more than 10 years or less than 1 year.	(b) (5) [REDACTED]	(b) (5) [REDACTED]	

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Ala. Code § 13A-7-8 Possession of burglar's tools (a) A person commits the crime of possession of burglar's tools if he: (1) Possesses any explosive, tool, instrument or other article adapted, designed or commonly used for committing or facilitating the commission of an offense involving forcible entry into premises or theft by a physical taking; and (2) Intends to use the thing possessed in the commission of an offense of the nature described in subdivision (a) (1) of this section. (b) Possession of burglar's tools is a Class C felony.				
CIMT 212(a)(2)(A)(i)(I) 237(a)(2)(A)(i)	Punishable by a term of imprisonment that is not more than 10 years or less than 1 year.	(b) (5)		

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Offenses Involving Theft

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Ala. Code § 13A-8-2. Theft of Property (a) A person commits the crime of theft of property if he or she: (1) Knowingly obtains or exerts unauthorized control over the property of another, with intent to deprive the owner of his or her property; (2) Knowingly obtains by deception control over the property of another, with intent to deprive the owner of his or her property; (3) Knowingly obtains or exerts control over property in the custody of a law enforcement agency which was explicitly represented to the person by an agent of the law enforcement agency as being stolen; or (4) Knowingly obtains or exerts unauthorized control over any donated item left on the property of a charitable organization or in a drop box or trailer, or within 30 feet of a drop box or trailer, belonging to a charitable organization.				
Aggravated Felony: 101(A)(43)(G) CIMT	<\$500, no more than one year. >\$500 but <\$1,500: Min: 1 year and 1 day, Max: 5 years. >1,500 but <2,500: Min: 1 year and 1 day, Max: 10 years. >\$2,500 or taken from the person of another: Min: 2 years, Max: 20 years	(b) (5)		

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Ala. Code § 13A-8-192, Identity Theft: Without the authorization, consent, or permission of the victim, and with the intent to defraud for his or her own benefit or the benefit of a third person, he or she does any of the following: (1) Obtains, records, or accesses identifying information that would assist in accessing financial resources, obtaining identification documents, or obtaining benefits of the victim; (2) Obtains goods or services through the use of identifying information of the victim; (3) Obtains identification documents in the victim's name; (4) Obtains employment through the use of identifying information of the victim. (Does not apply to using another's identity to lie about age for purpose of obtaining privileges unavailable to minors).				
Aggravated Felony: 101(A)(43)(M) CIMT	Min: 2 years Max: 20 years	(b) (5)		Aggravated Felony: 101(A)(43)(M) CIMT

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Drug Offenses

Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Ala. Code § 13A-12-211(a): A person commits the crime of unlawful distribution of controlled substances if, except as otherwise authorized, he or she sells, furnishes, gives away, delivers, or distributes a controlled substance enumerated in Schedules I through V.				
Aggravated Felony: 101(A)(43)(B) Other: 237(a)(2)(B)(i)	Min: 2 Years Max: 20 Years	(b) (5)	(b) (5)	

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Ala. Code § 13A-12-211(c): A person commits the crime of unlawful possession with intent to distribute a controlled substance if, except as otherwise authorized by law, he or she knowingly possesses any of the following quantities of a controlled substance:</p> <p>(1) More than eight grams, but less than 28 grams, of cocaine or of any mixture containing cocaine;</p> <p>(2) More than two grams, but less than four grams, of any morphine, opium, or any salt, isomer, or salt of an isomer thereof, including heroin;</p> <p>(3) More than eight grams, but less than 28 grams, of 3,4-methylenedioxy amphetamine, or of any mixture containing 3,4-methylenedioxy amphetamine;</p> <p>(4) More than eight grams, but less than 28 grams, of 5-methoxy-3, 4-methylenedioxy amphetamine, or of any mixture containing 5-methoxy-3, 4-methylenedioxy amphetamine;</p> <p>(5) More than eight grams, but less than 28 grams, of amphetamine or any mixture containing amphetamine, its salt, optical isomer, or salt of its optical isomer thereof;</p> <p>(6) More than eight grams, but less than 28 grams, of methamphetamine or any mixture containing methamphetamine, its salts, optical isomers, or salt of its optical isomers thereof.</p>				
<p>Aggravated Felony: 101(A)(43)(B)</p> <p>CIMT</p> <p>Other: 237(a)(2)(B)(i)</p>	<p>Min: 2 Years</p> <p>Max: 20 Years</p>	<p>(b) (5)</p>		

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Ala. Code § 13A-12-213, Unlawful possession of marihuana in the first degree: A person commits the crime of unlawful possession of marihuana in the first degree if, except as otherwise authorized: (1) He or she possesses marihuana for other than personal use: or (2) He or she possesses marihuana for his or her personal use only after having been previously convicted of unlawful possession of marihuana in the second degree or unlawful possession of marihuana for his personal use only.</p>				
Aggravated Felony: 101(A)(43)(B) CIMT Other: 237(a)(2)(B)(i)	Min: 1 Year and 1 Day Max: 10 Years	(b) (5)		

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
Ala. Code § 13A-12-231(1), Trafficking in Cannabis: Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, in excess of one kilo or 2.2 pounds of any part of the plant of the genus Cannabis... which felony shall be known as "trafficking in cannabis." Nothing in this subdivision shall apply to samples of tetrahydrocannabinols.				
Aggravated Felony: 101(A)(43)(B) CIMT Other: 237(a)(2)(B)(i)	Min:3 years Max: Life	(b) (5)	(b) (5)	(b) (5)

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Possible Charges of Removability	Maximum Sentence	Aggravated Felony?	Crime Involving Moral Turpitude?	Other
<p>Ala. Code § 13A-12-231(2)-(12), Trafficking in Illegal Drugs: “Any person who knowingly sells, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of” large amounts of cocaine, morphine, opium (or any salt, isomer, or salt of an isomer thereof, including heroin), methaqualone, hydromorphone, 3,4-methylenedioxy amphetamine(MDA), 5-methoxy-3, 4-methylenedioxy amphetamine, phencyclidine, lysergic acid diethylamide, amphetamine or any derivative, or methamphetamine or any derivative.</p>				
<p>Aggravated Felony: 101(A)(43)(B)</p> <p>CIMT</p> <p>Other: 237(a)(2)(B)(i)</p>	<p>Min:3 years</p> <p>Max: Life</p>	<p>An Aggravated Felony under 101(A)(43)(B).</p>	<p>(b) (5)</p>	<p>A Controlled Substance Violation.</p>